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Counsel for Plaintiff T-Mobile U.S.A., Inc.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

T-MOBILE U.S.A., INC.,
Plaintiff,

v.

AU OPTRONICS CORPORATION, et al.,
Defendants.

CASE NO. 11-cv-2591-SI
LEAD CASE NO. M:07-cv-1827-SI

**STIPULATION OF
EXTENSION OF TIME TO RESPOND
TO COMPLAINT,
WAIVER OF SERVICE, AND
[PROPOSED] ORDER**

Honorable Susan Y. Illston

WHEREAS the undersigned counsel, on behalf of plaintiff T-Mobile U.S.A., Inc. (“T-Mobile”), filed a complaint in the above-captioned case against Philips Electronics North America Corporation (“PENAC”), among other defendants, on April 18, 2011 (“Complaint”);

WHEREAS T-Mobile wishes to avoid the burden and expense of serving process on PENAC;

WHEREAS PENAC desires a reasonable amount of time to respond to the Complaint;

WHEREAS T-Mobile and multiple defendants (“Stipulating Defendants”), not including PENAC, in the above-captioned case executed the *Corrected Stipulation of Extension of Time to Respond to Complaint, Waiver of Service, and [Proposed] Order* stipulation (Dkt. #25) on June 17, 2011, for which an Order (Dkt. #26) was signed by this Court on June 28, 2011, extending the deadline to move to dismiss, answer, or otherwise respond to the Complaint to 90 days from the execution of that stipulation, subject to Federal Rule of Civil Procedure 6(a)(1); and

WHEREAS T-Mobile and PENAC believe that proceeding on a response date unified with the aforementioned Stipulating Defendants will create efficiency for the Court and the parties by reducing duplicative motion practice;

THEREFORE, T-Mobile and PENAC hereby agree:

1. PENAC waives service of the Complaint under Federal Rule of Civil Procedure 4(d). This stipulation does not constitute a waiver by PENAC of any other substantive or procedural defense, including but not limited to the defense of lack of personal or subject matter jurisdiction and improper venue.

2. PENAC’s deadline to move to dismiss, answer, or otherwise respond to the Complaint will be 90 days from the execution of the *Corrected Stipulation of Extension of Time to Respond to Complaint, Waiver of Service, and [Proposed] Order* stipulation (Dkt. #25), subject to Federal Rule of Civil Procedure 6(a)(1).

DATED this 4th day of August, 2011

By: /s/ Brendan P. Cullen

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Counsel for Plaintiff T-Mobile U.S.A., Inc.

SO ORDERED this 5TH day of AUGUST, 2011.

By: 

Honorable Susan Y. Illston

I, Brendan P. Cullen, am the ECF User whose ID and password are being used to file this Stipulation of Extension of Time to Respond to Complaint, Waiver of Service, and [Proposed] Order. In compliance with General Order 45, X.B., I hereby attest that Parker C. Folse III has concurred in this filing.

Dated: August 4, 2011

/s/ Brendan P. Cullen
Brendan P. Cullen